

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMOTHY D. KANE,)	
)	
Plaintiff,)	
v.)	No. 07 L 6590
)	
RAYMOND GILBERT and)	Judge George W. Lindberg
JOSEPH PAAVILAINEN,)	
)	
Defendants.)	

MOTION FOR RELIEF FROM APPOINTMENT

Gary L. Gassman respectfully moves, pursuant to Local Rule 83.38(a)(1), that this Court relieve him of his appointment as counsel on behalf of Plaintiff, Timothy D. Kane, and in support thereof, states as follows:

1. On February 11, 2008, Gary L. Gassman was appointed by this Court as counsel on behalf of Timothy D. Kane.

2. Upon completion of an internal conflicts check with his law firm, Meckler Bulger & Tilson LLP, and discussion with counsel for Defendants, Daniel P. Field, Mr. Gassman discovered a potential conflict.

3. Two partners of Mr. Gassman's firm, Steven Pearson and Eric Newman are currently co-defendants' counsel with Mr. Field in the matter of *S. Alejandro Dominguez v. Paul Hendley and the City of Waukegan*, Case No. 04 C 2907, pending in the United States District Court for the Northern District of Illinois before the Honorable Milton I. Shadur.

4. The *Dominguez* matter involves the defense of the City of Waukegan and an individual former police officer by Mr. Gassman's law firm and Mr. Field's law firm.

5. Given the aligned interest of Mr. Gassman's law firm and opposing counsel, Mr.

Field, in the *Dominguez* matter, in the interest of full disclosure and out of an abundance of caution Mr. Gassman seeks to avoid the appearance of a conflict or collusion in this case. Therefore, Mr. Gassman seeks relief from his appointment in this case pursuant to Local Rule 83.38(a)(1).

6. While Mr. Gassman seeks relief from his appointment in this matter, he would readily accept appointment in another case if this court so determines it is appropriate.

WHEREFORE, Gary L. Gassman prays that this Court enter an Order granting him relief from his appointment as counsel for Plaintiff, Timothy D. Kane, appoint other counsel to represent Plaintiff, Timothy D. Kane, and such further relief as this Court deems just and proper.

By: /s/ Gary L. Gassman
Gary L. Gassman, appointed attorney for
Plaintiff, Timothy D. Kane

Gary L. Gassman (ARDC #6217204)
MECKLER BULGER & TILSON LLP
123 North Wacker Drive
Suite 1800
Chicago, IL 60606
(312) 474-7900
(312) 474-7898 Fax

N:\shared\gassmanG\mntn for relief.doc

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMOTHY D. KANE,)	
)	
Plaintiff,)	
v.)	No. 07 L 6590
)	
RAYMOND GILBERT and)	
JOSEPH PAAVILAINEN,)	
)	
Defendants.)	

ORDER

This matter coming to be heard on Gary L. Gassman's Motion for Relief from Appointment as counsel for Plaintiff, Timothy D. Kane, all parties having been notified and the Court being fully advised,

IT IS HEREBY ORDERED:

1. Gary L. Gassman is relieved from his appointment as counsel for Plaintiff, Timothy D. Kane.
2. The Clerk is hereby ordered to select the next available attorney from the panel to be appointed as counsel for Plaintiff, Timothy D. Kane.

ENTERED: _____

Gary L. Gassman (ARDC #6217204)
MECKLER BULGER & TILSON LLP
123 North Wacker Drive
Suite 1800
Chicago, IL 60606
(312) 474-7900
(312) 474-7898 Fax